

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

BOBBY GENE WHITE,  
Plaintiff

CIVIL ACTION NO. 1:11-CV-507

✓

DR. ABDOUL JAMALUDEEN  
Defendant.

REBUTTAL BRIEF IN SUPPORT OF  
BOBBY GENE WHITE MOTION NOT TO DISMISS

COMES NOW Plaintiff Bobby Gene White ("Mr. White")  
by pro se Plaintiff, and, pursuant to Rule 42(b)(6) of The  
Federal rules of civil Procedure and Rule 7(F) of This Court's  
Local civil Rules, submits This rebuttal Brief in support  
of motion not to dismiss.

REPLY AND REBUTTAL

pro se Bobby Gene white replies to The rebuttal Brief  
submitted By Dr. Jamaludeen's Counsel Kevin J. O'Brien  
as follows:

1. The Allegations That I Bobby Gene White <sup>#</sup> OSI 10-00352 made was to let the court's know that I did not receive 4 months of Physical Therapy as Defendant Dr. Jamaludeen said I did. By giving cost and Dates of Physical Therapy. From the Time of my Bobby Gene White's injury 3-24-11 I Bobby Gene White was discharged from hospital with dislocated shoulder. Defendant Dr. Jamaludeen had knowledge of it. He waited for Records from hospital. Defendant Dr. Jamaludeen did not send me Bobby Gene White to outside medical facility for X-Rays until 4-18-11 almost 1 month after injury. see Petrichko v. Kurtz, 117 F. Supp. 2d 467, 473 (E.D. PA 2000) (Denial of access to a physician for Two weeks could constitute deliberate indifference)

Then Defendant Dr. Jamaludeen opted to give me Physical Therapy not surgery. This is common sense Practical Judgment to have my Bobby Gene White's shoulder put back in place by surgery and then Physical Therapy. And then it was another month before I received Physical Therapy 5-27-11. (D. Or. 2002) ("Deliberate indifference claim was supported where Plaintiff was examined regularly by medical staff but "There is an ongoing pattern of ignoring, and failing to timely respond to or effectively manage, Plaintiff's chronic pain"); Greeno v. Daley, 414 F.3d 645, 655 (7th Cir. 2005); White v. Napoleon, 897 F.2d 103, 109 (3d Cir. 1990); Ruffin v. Deperio, 97 F. Supp. 2d 346, 353 (W.D.N.Y. 2000) (holding Jury could find that Treatment's "consisted of little more than documenting [Plaintiff's] worsening condition" and continuing ineffective Treatment, not withstanding frequent examinations

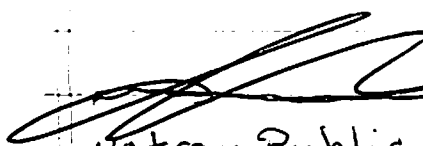
And eventual to specialist). Ramos v. Lamm, 639 F.2d 559, 575 (10th Cir. 1980); accord, Harris v. Thigpen, 941 F.2d 1495, 1505 (11th Cir. 1991); DeGidio v. Puny, 920 F.2d 525, 533 (8th Cir. 1990) ("consistent pattern of reckless or negligent conduct" establishes deliberate indifference);

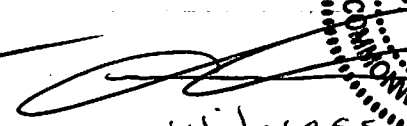
And it was ~~no~~ false when Defendant said I receive 4 months Physical Therapy 19 hours Therapy from 5-27-11 to 7-12-11 which Courts have Records of These statements. And Then two more month Before receiving surgery 9-15-11. Defendant Dr. Jamaldeen prolonged my surgery with unnecessarily Pain and suffering

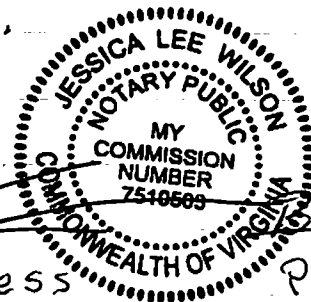
McGuckin v. Smith, 974 F.2d at 1050, 1060 (9th Cir. 1992) (condition that "significantly affects an individual's daily activities" is actionable);

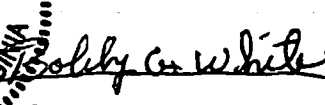
### CONCLUSION

For These Reasons The Court's should not dismiss This case because it Does, in fact, state a claim upon which relief can be granted.

  
Notary Public  
Date 1-26-12

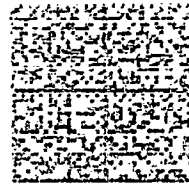
  
witness  
Date 1-26-12



  
Plaintiff  
Date 1-26-12

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